In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 16009 of 2006

Date of Decision: 10.10.2006

Hidayat Masih

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. R.C. Chatrath, Advocate
for the petitioner.

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J.S. Khehar, J. (Oral).

The petitioner is stated to have been inducted into the service of the Punjab Roadways, Batala Depot, as a Safai Karamchari, on daily wage basis on 1.1.1976, and must be deemed to have rendered continuous service ever since his entry into service in view of various orders passed by the Labour Court, Gurdaspur. The petitioner is stated to have been regularised in service w.e.f. 1.7.2003. Through the instant writ petition, the petitioner claims retiral benefits, including pension by taking into consideration the uninterrupted daily wage service rendered by him, immediately preceding his regularisation in service. Learned counsel for the petitioner points out, that on the issue in hand, the petitioner has addressed a legal notice dated 22.8.2005 (Annexure P-6). It is, however, pointed out, that no decision has

been taken thereon till date.

Learned counsel for the petitioner states, that the petitioner will be satisfied, if the instant writ petition is disposed of with a direction to respondent No.3 i.e. the General Manager, Punjab Roadway, Batala Depot, Batala, requiring him to take a final decision on the aforesaid legal notice dated 22.8.2005 (Annexure P-6).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of the respondents. Learned counsel for the respondents states, that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.3 i.e. the General Manager, Punjab Roadway, Batala Depot, Batala, to take a final decision on the legal notice dated 22.8.2005 (Annexure P-6) by passing a well reasoned speaking order, within three months from the date of receipt of a certified copy of this order. It would be appreciated, if respondent No.3 while passing the aforesaid order, takes into consideration the judgements referred to by the petitioner in his legal notice dated 22.8.2005 (Annexure P-6) as also any other judgement(s) relied upon by the petitioner at the time of forwarding a copy of the instant order to respondent No.3, as well as, any other relevant judgement(s) on the issue.

In case, the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further

period of one month.

Disposed of accordingly.

Order dasti on payment of usual charges.

( J.S. Khehar )
Judge.

( S.D. Anand )
Judge.

10.10.2006
sk.